

THE CITY OF SAN DIEGO, CALIFORNIA  
MINUTES FOR REGULAR COUNCIL MEETING  
OF  
TUESDAY, MAY 18, 1993  
AT 9:00 A.M.  
IN THE COUNCIL CHAMBERS - 12TH FLOOR

CHRONOLOGY OF THE MEETING:

The meeting was called to order by Mayor Golding at 10:03 a.m. The meeting was recessed by Mayor Golding at 12:23 p.m. to reconvene at 2:00 p.m. The meeting was reconvened by Mayor Golding at 2:13 p.m. with all members of the Council present. Mayor Golding recessed the meeting at 2:46 p.m. to convene the Redevelopment Agency. Mayor Golding reconvened the meeting at 3:30 p.m. with all members of the Council present. Mayor Golding adjourned the meeting at 7:05 p.m. and reconvened the Redevelopment Agency.

ATTENDANCE DURING THE MEETING:

- (M) Mayor Golding-present
  - (1) Council Member Wolfsheimer-present
  - (2) Council Member Roberts-present
  - (3) Council Member Hartley-present
  - (4) Council Member Stevens-present
  - (5) Council Member Behr-present
  - (6) Council Member Stallings-present
  - (7) Council Member McCarty-present
  - (8) Council Member Vargas-present
- Clerk-Abdelnour/Fishkin (mc/mp)

FILE LOCATION: MINUTES

ITEM-300: ROLL CALL

Clerk Fishkin called the roll:

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(M) Mayor Golding-present  
(1) Council Member Wolfsheimer-present  
(2) Council Member Roberts-present  
(3) Council Member Hartley-present  
(4) Council Member Stevens-present  
(5) Council Member Behr-present  
(6) Council Member Stallings-present  
(7) Council Member McCarty-present  
(8) Council Member Vargas-present

**PUBLIC COMMENT:**

**ITEM-PC-2: REFERRED TO CITY MANAGER**

Comment by John Landin regarding the problems he has faced in applying for a permit to sell antiques in the North Park area, due to the new Zoning Ordinance.

**FILE LOCATION:** AGENDA

**COUNCIL ACTION:** (Tape location: A026-063.)

**ITEM-PC-3: REFERRED TO CITY MANAGER & T&LU COMMITTEE**

Comment by Timothy Hallahan requesting that the City Council modify Ordinance No. O-17761 by excluding the College area from the Recreation Vehicle Ordinance.

**FILE LOCATION:** AGENDA

**COUNCIL ACTION:** (Tape location: A065-097.)

**ITEM-PC-4:**

Comment by Al Strohlein regarding the Seaworld runoff.

**FILE LOCATION:** AGENDA

**COUNCIL ACTION:** (Tape location: A099-107.)

**COUNCIL COMMENT:**

None.

ITEM-135: (R-93-1789) ADOPTED AS RESOLUTION R-281994

A Resolution approved by the City Council in Closed Session on Tuesday, April 20, 1993 by the following vote: Wolfsheimer-yea; Roberts-not present; Hartley-yea; Stevens-yea; Behr-not present; Stallings-yea; McCarty-nay; Vargas-yea; Mayor-yea.

Authorizing the payment of \$31,429.50 in settlement of the property damage claim of Save Our Regional Park (Superior Court Case No. 657647, Save Our Regional Park, et. al. v. City of San Diego, et al.); authorizing the City Auditor and Comptroller to issue one check in the total amount of \$31,429.50, made payable to Save Our Regional Park, Mountain Defense League and D. Wayne Brechtel, their attorney.

CITY MANAGER SUPPORTING INFORMATION: This constitutes the complete and final settlement of the personal property claim of Save Our Regional Park against the City of San Diego as a result of the incident of September 29, 1992.

Aud. Cert. 9301008.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: F488-552.)

MOTION BY HARTLEY TO ADOPT. Second by Stevens. Passed by the following vote: Wolfsheimer-yea, Roberts-nay, Hartley-yea, Stevens-yea, Behr-yea, Stallings-yea, McCarty-nay, Vargas-yea, Mayor Golding-yea.

ITEM-202: (R-93-1807) ADOPTED AS RESOLUTION R-281995

Approving the City Manager's recommendation of the underwriting team of Morgan Stanley & Co., Kemper Securities, Inc., Rauscher Pierce Refsnes, Inc., Charles A. Bell Securities Corp., Renge Securities & Co., and Muriel Siebert & Co., for underwriting services in connection with \$250-300 million dollar financing for the Consumers' Alternative Wastewater Treatment Facilities; Requesting the underwriting team to return with a recommended plan of finance within 45 days.  
(See City Manager Report CMR-93-137.)

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FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: H095-247.)

MOTION BY STALLINGS TO ADOPT AND TO REQUEST THE CITY MANAGER ENSURE THAT THE TEAM COME BACK TO COUNCIL ON JUNE 14, 1993 WITH THE FINANCIAL PACKAGES WHICH SHOULD INCLUDE LONG- AND SHORT-TERM PLANS. Second by Vargas. Passed by the following vote: Wolfsheimer-ineligible, Roberts-yea, Hartley-yea, Stevens-yea, Behr-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-205: (O-93-127) RETURNED TO CITY MANAGER

(Continued from the meetings of April 19, 1993, Item 51, and May 3, 1993, Item 200; last continued at Councilmember Roberts' request, on behalf of the City Manager.)

Introduction of an Ordinance amending Chapter VI, Article 5, Division 2 of the San Diego Municipal Code by repealing Section 65.0216, relating to the San Diego Maintenance District Procedural Ordinance of 1986.

CITY MANAGER SUPPORTING INFORMATION: This amendment repeals Section 65.0216 of the San Diego Municipal Code relating to the San Diego Maintenance District Procedural Ordinance of 1986. Division 2 of the Municipal Code incorporates the Landscape and Lighting Act of 1972, as set forth beginning in Section 22500 of the Streets and Highways Code of the State of California. The Streets and Highways Code was amended effective January 1, 1993, per Chapter 963 of SB 773 repealing Section 22552.1 relating to publication of two weeks, and Section 22555 relating to posting of notice form and procedure, and adding new Sections 22525.5 and 22556 relating to a 45-day publication time limit notice, types of improvements and property owner protest requirements.

Section 65.0216 of the Municipal Code covers the various categories which state when the City Clerk needs to notice owners of lots or parcels within a landscape or lighting maintenance district. Council action is requested to repeal this Section because the above revisions in the Landscape and Lighting Act of the Streets and Highways Code as incorporated in the Municipal Code make Section 65.0216 redundant and unnecessary.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: H248-256.)

BY COMMON CONSENT, WITH ALL MEMBERS OF THE COUNCIL PRESENT,  
THE ITEM WAS RETURNED TO THE CITY MANAGER DUE TO THE ACTIONS  
TAKEN BY THE CITY COUNCIL ON THE REGULATORY RELIEF PROGRAM.

ITEM-330:

Consideration of regulatory reform ideas for the  
purpose of improving customer service and supporting  
economic development in the City. These ideas could  
result in amendments to the Municipal Code related to  
procedural changes only, and in amendments to the  
City's Local Coastal Program (LCP).

The City Council will approve, conditionally approve,  
deny or provide policy direction on regulatory reform  
ideas pertaining to certain sections of various  
ordinances, policies and regulations.  
(City-wide.)

PUBLIC IMPROVEMENTS & RIGHT OF WAY

Subitem-A: (R-93-1788) ADOPTED AS RESOLUTION R-281996

Adoption of a Resolution amending Council Policy  
600-15, regarding Street Vacations and Easement  
Abandonments.

Subitem-B: (O-93-158) INTRODUCED, TO BE ADOPTED JUNE 1,  
1993

Introduction of an Ordinance amending Chapter X,  
Article 2, Division 2, of the San Diego Municipal Code,  
by amending Section 102.0204, relating to parcel maps.

Subitem-C: (O-93-157) INTRODUCED, TO BE ADOPTED JUNE 1,  
1993

Introduction of an Ordinance amending Chapter XI,  
Article 1, Division 10, of the San Diego Municipal  
Code, by amending Section 111.1030, relating to  
reversions, vacations and abandonments.

Subitem-D: (O-93-142) INTRODUCED, TO BE ADOPTED JUNE 1,  
1993

Introduction of an Ordinance amending Chapter VI,  
Article 2, Division 1, of the San Diego Municipal Code,  
by amending Section 62.0111 relating to bonds.

Subitem-E: (O-93-156) INTRODUCED, TO BE ADOPTED JUNE 1,  
1993

Introduction of an Ordinance amending Chapter VI,  
Article 2, Division 2, of the San Diego Municipal Code,  
by amending Section 62.0206 relating to public  
improvements incidental to a building permit or  
structure.

Subitem-F: (O-93-161) INTRODUCED, TO BE ADOPTED JUNE 1,  
1993

Introduction of an Ordinance amending Chapter VI, of  
the San Diego Municipal Code, by amending Section  
65.0216 relating to notice of hearing to property  
owners.

PLANNING & ZONING

Subitem-G: (R-93-1786) ADOPTED AS RESOLUTION R-282113

Adoption of a Resolution for policy direction relating  
to San Diego Municipal Code Chapter X, Article 5,  
Division 2, Section 105.0201 et seq., Coastal  
Development Permits.

Subitem-H: (R-93-1777) ADOPTED AS RESOLUTION R-282114

Adoption of a Resolution for policy direction relating  
to San Diego Municipal Code Chapter X, Article 1,  
Division 4, Section 101.0480 et seq., Sensitive Coastal  
Resource Overlay Zone.

Subitem-I: (R-93-1809 Cor.Copy) ADOPTED AS RESOLUTION  
R-282115

Adoption of a Resolution for policy direction relating  
to amending Chapter X, Article 3, Division 3, of the  
San Diego Municipal Code, by amending Section  
103.0302.3 relating to procedures for permits  
application and review for the La Jolla Shores Planned  
District.

Subitem-J: (R-93-1810 Cor.Copy) ADOPTED AS RESOLUTION  
R-282116

Adoption of a Resolution for policy direction relating  
to amending Chapter X, Article 3, Division 14, of the  
San Diego Municipal Code, by amending Section 103.1406

relating to the Cass Street Commercial Planned District  
Decision Process.

Subitem-K: (R-93-1781) ADOPTED AS RESOLUTION R-282117

Adoption of a Resolution for policy direction relating  
to San Diego Municipal Code Chapter X, Article 3,  
Division 9, Section 103.0900 et seq., Barrio Logan  
Planned District.

Subitem-L: (R-93-1783) ADOPTED AS RESOLUTION R-282118

Adoption of a Resolution for policy direction relating  
to San Diego Municipal Code Chapter X, Article 3,  
Division 12, Section 103.1201 et seq., La Jolla Planned  
District.

Subitem-M: (R-93-1778) ADOPTED AS RESOLUTION R-282119

Adoption of a Resolution for policy direction relating  
to San Diego Municipal Code Chapter X, Article 1,  
Division 5, Section 101.0560, Pushcart.

Subitem-N: (R-93-1779 Cor.Copy) ADOPTED AS RESOLUTION  
R-282120

Adoption of a Resolution for policy direction relating  
to San Diego Municipal Code Chapter X, Article 1,  
Division 8, Section 101.0830, Shared Parking.

Subitem-O: (O-93-145) REFERRED TO PLANNING COMMISSION

Introduction of an Ordinance repealing interim  
ordinance No. O-17167 (New Series) adopted October 24,  
1988, which enacted an interim ordinance limiting the  
issuance of building permits and commencement of  
construction within a portion of the Linda Vista  
Community Plan Area until amendments to the Linda Vista  
Community Plan are adopted and implementing ordinances  
are in effect.

Subitem-P: (O-93-146) INTRODUCED, TO BE ADOPTED JUNE 1,  
1993

Introduction of an Ordinance amending Chapter X,  
Article 1, Division 6, of the San Diego Municipal Code,  
by amending Section 101.0608 relating to Temporary  
Nonconforming Uses in Residential Zones.

Subitem-Q: (R-93-1776) ADOPTED AS RESOLUTION R-282121

Adoption of a Resolution for policy direction relating to San Diego Municipal Code Chapter X, Article 1, Division 4, Section 101.0454, Hillside Review Overlay Zone.

Subitem-R: (R-93-1782) ADOPTED AS RESOLUTION R-282122

Adoption of a Resolution for policy direction relating to San Diego Municipal Code Chapter X, Article 3, Division 11, Section 103.1100 et seq., Otay Mesa Development District.

Subitem-S: (R-93-1785) ADOPTED AS RESOLUTION R-282123

Adoption of a Resolution for policy direction relating to San Diego Municipal Code Chapter X, Article 3, Division 22, Section 103.2201 et seq., San Ysidro Implementing Ordinance.

Subitem-T: (R-93-1780) ADOPTED AS RESOLUTION R-282124

Adoption of a Resolution for policy direction relating to San Diego Municipal Code Chapter X, Article 3, Division 7, Section 103.0700 et seq., Golden Hill Planned District.

Subitem-U: (R-93-1784) ADOPTED AS RESOLUTION R-282125

Adoption of a Resolution for policy direction relating to San Diego Municipal Code Chapter X, Article 3, Division 17, Section 103.1700 et seq., Southeast San Diego Planned District.

Subitem-V: (O-93-147) REFERRED TO PLANNING COMMISSION

Introduction of an Ordinance amending Chapter XI, Article 1, Division 1, of the San Diego Municipal Code by amending Section 111.0107, relating to Land Development; and amending Chapter XI, Article 1, Division 5, by repealing Section 111.0507 relating to Process Three Extraordinary Appeal to City Council.

Subitem-W: (O-93-148) REFERRED TO PLANNING COMMISSION

Introduction of an Ordinance amending Chapter XI, Article 1, Division 3, of the San Diego Municipal Code by amending Sections 111.0302 and 111.0306 relating to Notices.



Subitem-X: (R-93-1798) ADOPTED AS RESOLUTION R-282126

Adoption of a Resolution for policy direction to amend the San Diego Municipal Code to allow for the temporary storage of relocated buildings in Industrial and Commercial Zones.

Subitem-Y: (O-93-153) INTRODUCED, TO BE ADOPTED JUNE 1, 1993

1) Introduction of an Ordinance amending Chapter VII, Article 1, Division 1, of the San Diego Municipal Code, by amending Section 71.0102, relating to definitions; and by amending Section 71.0103 relating to Transportation Demand Management phasing.

(R-93-1775) ADOPTED AS RESOLUTION R-281997

2) Adoption of a Resolution amending the TDM Ordinance Technical Requirements to reflect changes in Ordinance No. O-93-153.

Subitem-Z: APPROVED

Discussion of proposed amendments to State CEQA and other state-mandated legislation which promote economic development and regulatory relief to the City.

#### ENVIRONMENTAL

Subitem-AA: (O-93-149) REFERRED TO PLANNING COMMISSION

Introduction of an Ordinance amending Chapter VI, Article 9, Division 2, of the San Diego Municipal Code by amending Sections 69.0208, 69.0211 and 69.0212 relating to the procedures for implementation of CEQA and the State CEQA guidelines.

#### WASTE MANAGEMENT

Subitem-BB: (R-93-1787) ADOPTED AS RESOLUTION R-282127

Adoption of a Resolution for policy direction relating to San Diego Municipal Code, Chapter X, Article 1, Division 20, Section 101.2002, Recycling Facilities.

#### UNIFORM BUILDING & FIRE CODES

Subitem-CC: (O-93-141) INTRODUCED, TO BE ADOPTED JUNE 1,  
1993

Introduction of an Ordinance amending Chapter IX,  
Article 1, Division 3, of the San Diego Municipal Code,  
by amending Section 91.0303, relating to permits  
issuance; by amending Article 3, Division 1, Section  
93.0112 relating to stop orders; by amending Article 3,  
Division 3, Section 93.0312 relating to validity; and  
by amending Chapter X, Article 3, Division 4, Section  
103.0403 relating to procedures for special permit  
application and review.

Subitem-DD: (O-93-143) INTRODUCED, TO BE ADOPTED JUNE 1,  
1993

Introduction of an Ordinance amending Chapter IX,  
Article 1, Division 85, of the San Diego Municipal  
Code, by amending Section 91.8507 relating to security  
requirements.

Subitem-EE: (O-93-144) INTRODUCED, TO BE ADOPTED JUNE 1,  
1993

Introduction of an Ordinance amending Chapter IX,  
Article 1, Division 86, of the San Diego Municipal  
Code, by amending Section 91.8604 relating to  
demolition of structures.

Subitem-FF: (O-93-154) INTRODUCED, TO BE ADOPTED JUNE 1,  
1993

Introduction of an Ordinance amending Chapter IX,  
Article 1, Division 86, of the San Diego Municipal  
Code, by amending Section 91.8603 relating to  
demolition of structures - filing applications,  
notification to tenants, expiration of permit.

Subitem-GG: (R-93-1799) ADOPTED AS RESOLUTION R-281998

Adoption of a Resolution for policy direction relating  
to Legislative support to repeal certain State  
amendments to Title 24, California Code of Regulations,  
Part 1 - 6 and 9.

Subitem-HH: (O-93-155) INTRODUCED, TO BE ADOPTED JUNE 1,  
1993

Introduction of an Ordinance amending Chapter V,  
Article 5, Division 3, of the San Diego Municipal Code

by adding Section 55.0310.0401; by amending Chapter V, Article 5, Division 4 by adding Section 55.0425.0502; and by amending Chapter V, Article 5, Division 7 by adding Section 55.0780.0103 all relating to the Uniform Fire Code, 1991 Edition.

Subitem-II: (R-93-1803) ADOPTED AS RESOLUTION R-281999

Adoption of a Resolution for policy direction relating to proposed legislation and seeking a legislative sponsor to amend California Code of Regulations, Title 19, Article 4, Section 904.

GENERAL

Subitem-JJ: (R-93-1811 Rev.1) ADOPTED AS AMENDED AS  
RESOLUTION R-282000

Adoption of a Resolution for a one-year moratorium on any new regulations which may have a negative impact on business.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location:  
Subitem-G,H,I,J,K,L,M,N,Q,R,S,T,U,V,W,X,  
AA,BB: A145-B295; B313-D202;  
Subitem-A,Y,JJ: E004-408;  
Subitem-B,C,D,E,F,O,P,Y,CC,DD,EE,FF,HH:  
G095-602; Subitem-Z,GG,II: F567-G094;  
Part V: G602-H093.)

Hearing began at 10:15 a.m. and recessed at 12:22 p.m.

Testimony in favor of Subitems G through N, Q through X, AA or BB: Frank Panarisi, Tom Gade, Mark Lyon, Robert Thiele, Mac Strobl, Nora De Silva, Dick Smith, Roy Drew, Ron Oliver, Tom Farrar, Mike McDade, Pamela Swanson, Tom Sheffer, David Nuffer, Gene Hancock, Rebecca Michael, Bill Miller, George Chandler, and David Crawford.

Testimony in opposition of Subitems G through N, Q through X, AA or BB: Dave Odell, Opal Trueblood, Ramona Salisbury, Linda Michael, Joanne Pearson, Reynaldo Pisano, Diane Takvonian, Al Strohlein, Lynn Benn, Louise Arnold, and James Yianilos.

Motion by Wolfsheimer to continue to June 15, 1993 for further review. Second by Hartley. Failed. Yeas-1,3. Nays-2,4,5,6,7,8,M. Not present-none.

MOTION BY ROBERTS TO ADOPT THE RESOLUTIONS FOR SUBITEMS G THROUGH N, Q THROUGH U, X, AND BB, WHICH REFER THESE ITEMS TO THE PLANNING FOR A HEARING; REFER SUBITEMS V, W, AND AA TO THE PLANNING COMMISSION FOR A HEARING; AND DIRECT THE CITY MANAGER TO: 1) RETURN TO COUNCIL NO LATER THAN AUGUST 10, 1993, WITH THE PLANNING COMMISSION'S RECOMMENDATIONS; AND 2) TO REVIEW ALL THE SUGGESTIONS THAT HAVE BEEN SUBMITTED TO THE COUNCIL PRIOR TO THE NEXT REGULATORY RELIEF MEETING. Second by Stevens. Passed by the following vote\*: Wolfsheimer-yea (nay on Subitems-G,H,I,L,M,Q,V,X,AA), Roberts-yea, Hartley-not present, Stevens-yea, Behr-yea, Stallings-yea (nay on Subitems-V,AA), McCarty-yea, Vargas-yea, Mayor Golding-yea.

Hearing resumed at 2:14 p.m. and recessed at 2:46 p.m.

Hearing resumed at 3:30 p.m. and halted at 4:35 p.m.

Testimony on Part II. FINAL ACTION, Part III. FIRST ORDINANCE READINGS, and Part IV. LEGISLATIVE DIRECTION by Charles Gill, Dick Smith, Tom Sheffer, John Fowler, Mac Strobl, Frank Panarisi, Rebecca Michael, Terry Bibbens, Paul Tryon, Reynaldo Pisano, Dave Odell, and JoAnn Carini.

MOTION BY McCARTY TO ADOPT PART II. FINAL ACTION: SUBITEM-A, SUBITEM-Y(2), AND SUBITEM-JJ AS AMENDED TO ADD "INITIATION OF BUSINESS" AND THAT NO CHANGES OR AMENDMENTS BE MADE TO EXISTING REGULATIONS. Second by Stallings. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Stevens-yea, Behr-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

MOTION BY WOLFSHEIMER TO INTRODUCE THE ORDINANCES FOR SUBITEMS-B, D, E, P, Y, CC, DD, EE, AND HH. Second by Hartley. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea (nay on CC and HH), Stevens-yea, Behr-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

MOTION BY ROBERTS TO INTRODUCE THE ORDINANCES FOR SUBITEMS-C, F, AND FF, AND, AT THE REQUEST OF COUNCIL MEMBER BEHR, TO REFER SUBITEM-O TO THE PLANNING COMMISSION WITH THE DIRECTION THAT THE INTERIM ORDINANCE REMAIN IN PLACE UNTIL THE LINDA VISTA COMMUNITY PLAN UPDATE IS COMPLETED. Second by McCarty. Passed by the following vote: Wolfsheimer-nay (yea on O), Roberts-yea, Hartley-yea, Stevens-yea,

Behr-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

MOTION BY McCARTY TO APPROVE SUBITEM-Z AND ADOPT THE RESOLUTIONS FOR SUBITEMS-GG AND -II. Second by Wolfsheimer. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-nay, Stevens-yea, Behr-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

PART V: The following directions and comments were referred to the City Manager:

Subitem-Y: Add a statement that "Council fully intends to comply with the demands of the Clean Air Act as promulgated by the Air Resources Board."

Subitem-A: Batch street vacations and abandonments for efficiency of efforts. Look at having a fee associated with those easements and vacations if we are giving up something of value. Provide relief for all discretionary permits impacted by the Federal listing.

Refer to the City Manager Council Member McCarty's memo regarding the Fire Department and the County Hazardous Material Management Division, the matter of illegal fences, and all letters that have been submitted to the Council (AIA, Fenton, Greater Chamber, Board of Realtors, Apartment Association, Coalition for San Diego Businesses, James Greer, CEO Roundtable, etc.) containing suggestions for the City Manager to review and come back to Council with responses.

Look at the question of, "what is the practical impact of saying that we will not exceed State and Federal requirements on environmental law?"

Contact the CAO to discuss a "joint financial management office and programs" involving hazardous waste and business plans.

ITEM-331: (R-93-1655) ADOPTED AS RESOLUTION R-281993

Vacating the east/west alley adjacent to Lot 4 and Lot 5 in Block 54 of Normal Heights, Map 985, under the procedure for the summary vacation of streets; declaring that this resolution shall not become effective until the permits for the construction of

curb, gutter and sidewalk have been issued; in the event that the permits are not issued within two years following the adoption of this resolution, this resolution shall become void and of no further force or effect; directing the City Engineer to advise the City Clerk of the issuance of the permits.

(Mid-City Community Area. District-3.)

CITY MANAGER SUPPORTING INFORMATION: The abutting property owners have requested the proposed vacation in order to eliminate safety hazards of the unimproved alley and to increase the security and aesthetics of the area. The subject vacation is located in the Mid-City Community Plan area and is situated in an MR-1500 Zone. The area-of-vacation totals 1,575 square feet and would provide additional acreage that would increase the residential entitlements of each of the two adjacent properties by one unit. The Mid-City Community Planning Group and the Planning Department have no objections to the proposed vacation. The Planning Commission recommended approval of the vacation by a vote of 4-1 on February 7, 1991. The subject right-of-way is unimproved and 15 feet wide. The alley extends easterly from 35th Street to a fully improved 20-foot-wide alley. Due to the lack of improvements and its substandard width, the alley does not accommodate two-way travel and is not a critical element to traffic circulation. Adequate access to the improved 20-foot-wide alley will remain from Madison Avenue and 35th Place. The right-of-way also contains franchise facilities for which easements must be reserved. In addition, construction of curb, gutter, and sidewalk, across the vacation area at 35th Street, will be required as a condition of the vacation.

FINDINGS: Staff review has indicated that the vacation is consistent with the General Plan, the community plan, and Council Policy 600-15 and may be vacated, conditioned upon easement reservations and construction of public improvements at 35th Street. The right-of-way to be vacated is no longer required for present or prospective use, and the facilities for which it was originally acquired will not be detrimentally affected. The public will benefit from the vacation through improved utilization of the property, returning the area to the tax rolls, and relieving the City of maintenance and liability responsibilities.

FILE LOCATION: DEED F-6051; STRT J-2791 DEEDFY93-1

COUNCIL ACTION: (Tape location: A112-144.)

Hearing began at 10:10 a.m. and halted at 10:14 a.m.

MOTION BY ROBERTS TO ADOPT. Second by Hartley. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Stevens-yea, Behr-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-332: CONTINUED TO JUNE 15, 1993

Appeal of James Milch, Attorney, for Manuel A. & Mary Silva (Applicants) from the decision of the Board of Zoning Appeals in partially approving the request to maintain the following, currently in violation: (1) a maximum 14'-0" high combination retaining wall/open fence within the 15'-0" front yard where a maximum combined height of 9'-0" is permitted, provided that no single plane exceeds 6'-0" in height and that horizontal separations are provided in compliance with design criteria; (2) portions of said retaining wall/open fence within driveway visibility area where 3'-0" is the maximum height permitted; (3) a maximum 15'-2" high combination retaining wall/open fence within the interior side yard where a maximum combined height of 12'-0" is permitted, provided that no single plane exceeds 6'-0" in height and that horizontal separations are provided in compliance with design criteria; (4) a maximum 9'-10" high combination retaining wall/open fence within the 4'-0" rear yard where a maximum combined height of 12'-0" is permitted provided that no single plane exceeds 6'-0" in height and that horizontal separations are provided in compliance with design criteria; (5) a maximum 7'-2" high wrought iron gate within the 15'-0" front yard where a maximum 6'-0" high gate is permitted provided that the bottom 3'-0" is solid and the top 3'-0" is 50% open in compliance with design criteria; (6) a maximum 6'-9" column with a 2'-3" light fixture on top located within the required front yard where a maximum 3'-0" height is permitted; (7) said column also located within the driveway visibility area where a maximum 3'-0" height is permitted; (8) a maximum 9'-0" high column located within the required front yard where a maximum height of 3'-0" is permitted; (9) portion of said column located within the driveway visibility area; (10) maximum 4'-0" high combination open fence/solid wall located within the driveway visibility area where a maximum 3'-0" height is permitted; (11) a maximum 10'-4" high combination retaining wall and solid/open fence located within the required front yard where a maximum 9'-0" height is permitted provided that no single plane exceeds 6'-0" in height and the fence/wall meets design criteria for fences. The subject property is described as Lots 1, 2, and 3, Block 39, Roseville, Map-305, and is located at 1311 Plum Street, in R1-5000 Zone, within the Peninsula Community Plan area.

(C-21018. District-2.)

Adoption of a Resolution granting or denying the appeal and granting or denying the variance, with appropriate findings to support Council action.

FILE LOCATION:

COUNCIL ACTION: (Tape location: A112-144.)

MOTION BY ROBERTS TO CONTINUE TO JUNE 15, 1993 AT THE REQUEST OF THE APPLICANT TO REACH AN AGREEMENT WITH THE COMPLAINANT. Second by Hartley. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Stevens-yea, Behr-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-333: (R-93-1761) ADOPTED AS RESOLUTION R-282001

Approving the development of the recreational activities currently housed in the Federal Building and the Municipal Gymnasium within the Centre City Redevelopment Project Area; Authorizing CCDC to utilize \$262,500 of Transient Occupancy Tax Funds currently available in CIP-21-834.0, Balboa Park - Mission Bay Park Requirements;

Directing the City Attorney to prepare a Cooperation Agreement between the City and the Redevelopment Agency authorizing CCDC to participate in conducting negotiations and executing and submitting documents which may be necessary for the completion of the new Municipal Gymnasium;

Authorizing the use of "Balboa Park - Mission Bay Park Requirements" funds including money to be made available no earlier than August 1993 through Certificates of Participation for the replacement of the Federal Building (\$3,031,875) by the Agency;

Exploring the possible reimbursement to the Agency by the City after Fiscal Year 1997 of funding projected for the replacement of the Municipal Gymnasium building (\$4,432,500) currently located in Balboa Park.

(Centre City Community Area. District-2.)

Aud. Cert. 9301023.



FILE LOCATION: MEET CONFY93-1

COUNCIL ACTION: (Tape location: H257-I389.)

MOTION BY ROBERTS TO ADOPT AND TO DIRECT STAFF TO INCLUDE SPECIFICALLY THAT BLOCK WEST OF THE PARKING LOT AS THE FOURTH SITE, THAT BLOCK NORTH OF THE TROLLEY BLOCK FOR CONSIDERATION, AND ANY OTHER ADDITIONAL BLOCKS WITHIN THE CIRCLE THAT ARE NOT OCCUPIED BY NEWER BUILDINGS THAT WOULD PRECLUDE TEARING THEM DOWN TO GO AHEAD WITH THIS PROPOSAL. Second by Stevens. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Stevens-yea, Behr-nay, Stallings-yea, McCarty-nay, Vargas-yea, Mayor Golding-yea.

ITEM-334: (R-93-1805) ADOPTED AS RESOLUTION R-282002

Determining the benefit of the use of the Low and Moderate Income Housing Fund from the Centre City Redevelopment Project to pay part of the cost of the acquisition and rehabilitation of a 10 to 12-unit apartment building for battered women's housing location to be determined) under a proposed agreement to be negotiated between the Redevelopment Agency and the San Diego County Ecumenical Conference, Inc.

(See Memorandum from CCDC dated 4/30/93. Centre City Community Area. District-2.)

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: I390-401.)

MOTION BY WOLFSHEIMER TO ADOPT. Second by Stallings. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Stevens-yea, Behr-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-335: (R-93-1736) ADOPTED AS RESOLUTION R-282003

Authorizing the City Manager to file a grant application with the U.S. Department of Commerce, Economic Development Administration (EDA), to obtain a grant to assist in the funding of the improvements to Crosby Street in the Barrio Logan Redevelopment Project Area.

(See City Manager Report CMR-93-131. Barrio  
Logan/Harbor 101 Community Area. District-8.)

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: I402-408.)

MOTION BY STALLINGS TO ADOPT. Second by Vargas. Passed by  
the following vote: Wolfsheimer-yea, Roberts-yea,  
Hartley-yea, Stevens-yea, Behr-yea, Stallings-yea,  
McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-S401: (R-93-1886) ADOPTED AS RESOLUTION R-282004

Confirming the appointment by the Mayor of Karen  
McElliott, to serve as a member of the Planning  
Commission, for a term ending January 28, 1994,  
replacing Karl Zobell, who has resigned.  
(See memo from Mayor Golding dated 5/11/93 with resume  
attached.)

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: K233-650.)

MOTION BY McCARTY TO ADOPT. Second by Behr.

Substitute motion by Hartley to docket the issue of bringing  
forward all nominations to Council. Second by Wolfsheimer.  
Failed by the following vote: Yeas-1,2,3,4.  
Nays-5,6,7,8,M. Not Present-None.

Motion to adopt passed by the following vote:  
Wolfsheimer-not present, Roberts-yea, Hartley-yea,  
Stevens-yea, Behr-yea, Stallings-yea, McCarty-yea,  
Vargas-yea, Mayor Golding-yea.

ITEM-S500: WELCOMED

Welcoming a group of approximately 30 students from  
Torrey Pines Elementary School, accompanied by Bill  
Guth. This group will arrive at approximately 10:30  
a.m.  
(District-1.)

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: B296-311.)

ITEM-S501: NOTED AND FILED

In the matter of the Annual Meeting of the Member of  
the Centre City Development Corporation.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: I409-437.)

MOTION BY STALLINGS TO NOTE AND FILE. Second by  
Wolfsheimer. Passed by the following vote:  
Wolfsheimer-yea, Roberts-yea, Hartley-yea, Stevens-yea,  
Behr-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor  
Golding-yea.

ITEM-S502: (R-93-1885 Rev.) ADOPTED AS AMENDED AS  
RESOLUTION R-282005

Consideration of the following nominees for appointment  
to the Centre City Development Corporation Board of  
Directors to fill four vacancies:

NOMINEE	NOMINATED BY
William Adams (Attorney)	Councilmember Hartley
Jan Anton (Finance)	Councilmember Roberts
Leon (Trey) Brady (General Business)	Mayor Golding
Gordon Carrier (General Business)	Councilmember Roberts
Pete Davis (Finance)	Mayor Golding/Roberts
Jan Driscoll (Attorney)	Councilmember Roberts
Lucy Goldman (General Business)	Councilmember Hartley
Edward Lopez (Attorney)	Councilmember
	Vargas/Mayor Golding
Raul Silva-Martinez (Attorney)	Councilmember Behr

Adoption of a Resolution making four appointments, with  
three terms ending May 1, 1996 and one term ending May  
1, 1995. (See memorandum from Mayor Golding dated  
5/11/93 with resumes attached.)

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: I438-K232.)

MOTION BY HARTLEY TO INCLUDE HAROLD GIL JOHNSON ON THE LIST OF NOMINEES. Second by Wolfsheimer. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Stevens-yea, Behr-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea. William Adams asked to have his name withdrawn from the list of nominees.

Council Member Roberts withdrew his nomination of Jan Driscoll at her request.

Council Member Behr withdrew his nomination of Raul Silva-Martinez at his request.

Mayor Golding announced that the first three nominees receiving the most votes would be appointed with terms ending May 1, 1996, and that the fourth appointment would be for a term ending May 1, 1995.

The first ballot was taken, and Clerk Fishkin announced the tally for Round 1: Anton-4, Brady-1, Carrier-5, Davis-7, Goldman-5, Lopez-8, Johnson-6.

The second ballot was taken, and Clerk Fishkin announced the tally for Round 2: Carrier-5, Goldman-4.  
BY COMMON CONSENT, WITH ALL MEMBERS OF THE COUNCIL PRESENT, DAVIS, LOPEZ, AND JOHNSON WERE APPOINTED WITH TERMS ENDING MAY 1, 1996, AND CARRIER WAS APPOINTED WITH A TERM ENDING MAY 1, 1995.

ITEM-CS-1: (R-93-1915) ADOPTED AS RESOLUTION R-282006

A Resolution adopted by the City Council in Closed Session on May 18, 1993:

Authorizing the City Manager to pay the total sum of \$140,000.00 in the settlement of each and every claim against the City of San Diego, its agents and employees, in Superior Court Case No. 652836, Culbertson v. City of San Diego, et al., resulting from damage to an apartment building caused by a storm drain overflowing due to heavy rains; authorizing the City Auditor and Comptroller to issue one check in the amount of \$140,000.00, made payable to Robert and Jacqueline Culbertson, in full settlement of all claims.

Aud. Cert. 9301064

FILE LOCATION: MEET

ITEM-CS-2: (R-93-1903) ADOPTED AS RESOLUTION R-282007

A Resolution adopted by the City Council in Closed  
Session on May 18, 1993:

Authorizing the City Manager to pay the total sum of  
\$250,000.00 in settlement of each and every claim  
against the City of San Diego, its agents and  
employees, resulting from the wrongful death of Martin  
Washburn; authorizing the City Auditor and Comptroller  
to issue one check in the amount of \$250,000.00, made  
payable to Amy Washburn, and her attorney of record, C.  
Bradley Hallen, in full settlement of all claims.

Aud. Cert. 9301082

FILE LOCATION: MEET

NON-DOCKET ITEMS:

None.

ADJOURNMENT:

The meeting was adjourned by Mayor Golding at 7:05 p.m.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: K650).